

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Teddy Scott on July 15, 2009.

The application has been amended as follows:

1) Claims 34 and 35 filed on March 16, 2009 are amended as following:

Claims 34 and 35, lines 1-2 reciting "is selected from the group consisting of:" is deleted and replaced with "consists of:". Thus, as newly amended, claims 34 and 35 recite the following in lines 1-2: "An isolated nucleic acid, wherein the sequence of the nucleic acid consists of:".

Claims 34 and 35, line 4 reciting "and" is deleted and replaced with "or". Thus, as newly amended, claims 34 and 35, line 4 recites "(b) a RNA encoded by (a); or".

2) The title of the instant application is changed from "Bioinformatically detectable group of viral regulatory genes and uses thereof" to "HCMV-related nucleic acids and microRNA".

Terminal Disclaimer

The terminal disclaimer filed on April 23, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 10/536,560 has been reviewed and is accepted. The terminal disclaimer has been recorded.

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Conclusion

Claims 34, 35, 36, and 37 are allowed.

Claims 34 and 35 are amended.

The title of this application is amended.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA SHIN whose telephone number is (571)272-8008. The examiner can normally be reached on Monday through Friday, 7am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached on 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dana Shin
Examiner
Art Unit 1635

/J. E. Angell/
Primary Examiner, Art Unit 1635